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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Roger D. Pirkey

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,333

Applicant(s)

PIRKEY ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,11-13,16,17,19-21,24,26-28 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,11-13,16,17,19-21,24,26-28 and 31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1, 2, 4-6, 9, 11-13, 16, 17, 19-21, 24, 26-28 and 31-42 are pending.
2. The Pre-Appeal Brief Request filed 03/29/2006 has been received and considered. Prosecution is hereby reopened.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6, 9, 11, 13, 16-17, 19, 21, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al (US 5737701) in view of Chiniwala et al (US 6175622) and further in view of Mills Jr. (US 6665529).

Referring to claims 1 and 16, Rosenthal et al. discloses a method and apparatus for providing access to resources with the use of personal information numbers comprising the steps of receiving a request from a subscriber to access a resource, requiring the subscriber to input a personal identification

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number if the resource is not included in the list associated with the subscriber and providing access to the resource if the subscriber inputs the correct personal identification number in Column 5, lines 35-67, Column 6, lines 1-38, 63-67, Column 7, lines 1-9.

Rosenthal et al fails to disclose a separate always allow or always deny list and checking more than one list.

However, Chiniwala et al teaches the use of such lists (see column 8 lines 38-54) and Mills Jr. teaches checking more than one list (see column 7 lines 17-36).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use and check more than one list in the Rosenthal et al system.

Motivation to do so would have been to restrict what numbers a user or system can call (see Chiniwala column 8 lines 38-54) and to determine which list a particular resource is located (Mills Jr. see column 7 lines 17-36).

As per claims 2 and 17, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system discloses the claimed limitation wherein comprising the step of adding the resource to the list associated with the subscriber if the subscriber inputs the correct personal identification number (see Rosenthal et al Column 7, lines 10-22).

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As per claims 4, 11, 19 and 26, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system discloses an always deny list (see Chiniwala et al column 8 lines 38-54).

As per claims 6, 13, 21, and 28, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system discloses the claimed limitation wherein the resource is a telephone connection to a destination phone number (see Rosenthal et al Column 6, lines 5-9).

As per claims 9 and 24, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system discloses a method and apparatus for providing access to resources with the use of personal information numbers comprising the steps of maintaining a list of resources accessed by a user, maintaining a second list controlling access regardless of identity requiring the user to enter a personal identification number to access a further resource not included the first list and adding the further resource that the user accesses using the personal identification number to the list (see Rosenthal et al Column 7, lines 34-67, Column 8, lines 1-67, Column 9, lines 1-5 and Chiniwala et al column8 lines 38-54 as applied to claims 1 and 16 above).

5. Claims 5, 12, 20, 27, 33, 36, 39, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified

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Rosenthal et al., Chiniwala et al. and Mills Jr. system as applied to claims 1, 9, 16, and 24 above, and further in view of Mijares Jr. et al (US 6330311).

As per claims 5, 12, 20, 27, 33, 36, 39, and 42, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system fails to disclose an always require PIN list for numbers associated with 900 or international calls.

However Mijares Jr. et al teaches such a list (see column 9 lines 10-43).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Mijares Jr. et al's always require PIN list for 900 or international calls in the call restricting method of the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system.

Motivation to do so would have been to allow a user to call the blocked 900 or international numbers (see Mijares Jr. et al column 9 lines 37-43).

6. Claims 31, 34, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system as applied to claims 1, 9, 16 and 24 above, and further in view of Rowell et al (WO 9704602).

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As per claims 31, 34, 37, and 40, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system fails to disclose the always allow list comprises a phone number associated with emergency services

However Rowell teaches such a list (see Rowell page 3 lines 3-11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include emergency numbers on the always allow list of the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system.

Motivation to do so would have been to always let emergency numbers be called (see page 3 lines 3-11).

7. Claims 32, 35, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system as applied to claims 4, 11, 19, and 26 above, and further in view of Rudokas et al (US 5420910).

As per claims 32, 35, 38 and 41, the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system fails to disclose the always deny list comprises a phone number associated with fraudulent use.

However, Rudokas et al teaches such a list of fraudulent numbers (see column 5 line 59 through column 6 line 14).

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Rudokas et al.'s method of preventing fraudulent numbers from being called in the call restricting service of the modified Rosenthal et al., Chiniwala et al. and Mills Jr. system.

Motivation to do so would have been prevent cloned identification systems from making calls to fraudulent numbers (see Rudokas et al column 5 line 59 through column 6 line 14).

Response to Arguments

8. Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER